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UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GREENE/GUILFORD ENVIRONMENTAL
ASSOCIATION, a non-profit corporation
incorporated under the laws of the
Commonwealth of Pennsylvania, CITIZENS
FOR PLANNED COMMUNITY GROWTH,
an unincorporated association organized under
the laws of the Commonwealth of Pennsylvania,
PAUL B. AMBROSE, JOHN G. ENDERS,
CHARLES F. RAHAUSER, BETSY
RAHAUSER, DOUGLAS A. WARNOCK,
U.X. VAGNERINI, THOMAS W. BUNDY,
STEPHEN P. BUCHER, ROGER J.
ROBERTSON, JAMES A. STRITE, JR.,
and DAVID A. GUTHRIE,
Plaintiffs,

v.

KEN WYKLE, Administrator, Federal
Highway Administration, ROBERT GATZ,
Federal Highway Administration,
Defendants,

And

BRADLEY L. MALLORY, Secretary for
The Department of Transportation,
Commonwealth of Pennsylvania,
Intervenor.

CIVIL NO. 1:CV-01-0910
(Judge Rambo)

FILED
HARRISBURG, PA

JUL 25 2002

MARY E. D'ANDREA, CLERK
Per
Deputy Clerk

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

AND NOW, come the Plaintiffs in the above captioned case and move for
Summary Judgment in favor of the Plaintiffs for the following reasons:

1. The agencies violated the National Environmental Policy Act ("NEPA") and the National Historic Preservation Act ("NHPA") by predetermining the location of the highway interchange prior to the completion of environmental studies required by law.
2. The agencies violated the NEPA by refusing to examine alternatives to the interchange created by the 1995 Congressional overhaul of the original funding legislation.
3. The agencies violated the NEPA and the NHPA by segmenting the interchange's impact on local roadways from the environmental studies conducted for the interchange.
4. The agencies violated the NEPA and the NHPA by segmenting the construction of the federally funded Norland Avenue Extension Connector road from the interchange project.
5. The agencies violated the NEPA and the NHPA by refusing to prepare a Supplemental Environmental Impact Statement ("SEIS") to examine new impacts and increased project costs resulting from the 1998 newly designed and relocated interchange.

Certificate of Service of Process

I, Thomas Alan Linzey, Esq., hereby swear and affirm that I have served the Plaintiffs' MOTION FOR SUMMARY JUDGMENT and Supporting BRIEF, the Plaintiffs' STATEMENT OF MATERIAL FACTS, the Plaintiffs' ANSWER to the Agencies' *Statement of Material Facts*, and the Plaintiffs' ANSWER to the Agencies' *Joint Motion for Summary Judgment*, on the Parties identified below by the following method:

FIRST CLASS MAIL PRE-PAID

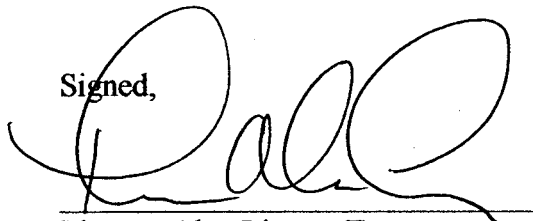
The following individuals were served with the above mentioned documents:

Anne Fiorenza, Esq.
Assistant U.S. Attorney
United States Attorneys Office
Federal Building, Suite 217
228 Walnut Street
P.O. Box 11754
Harrisburg, Pennsylvania 17108-1754

Kenda Jo Gardner, Esq.
Assistant Counsel
Pennsylvania Department of Transportation
P.O. Box 8212
Harrisburg, Pennsylvania 17105-8212

I swear and affirm that service of the documents was completed this 25th Day of July, 2002.

Signed,

A handwritten signature in black ink, appearing to read 'T. Linzey', written over a horizontal line.

Thomas Alan Linzey, Esq.
Community Environmental Legal Defense Fund (CELDF)
2859 Scotland Road
Chambersburg, Pennsylvania 17201

Counsel for the Plaintiffs

Certificate of Non-Concurrence

Concurrence with the Plaintiffs' *Motion for Summary Judgment* and Plaintiffs' *Statement of Material Facts* was sought from the agencies on July 24, 2002. The agencies did not concur with the *Motion for Summary Judgment* or the *Statement of Material Facts*.

A handwritten signature in black ink, appearing to read 'T. Linzey', written over a horizontal line.

Thomas Alan Linzey, Esq.
Community Environmental Legal Defense Fund (CELDF)
2859 Scotland Road
Chambersburg, Pennsylvania 17201

Counsel for the Plaintiffs